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HOUSE OF REPRESENTATIVES

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Testimony of Representative Ellie Sato presenting

LD 412, An Act to Prohibit the Sale or Provision of Self-administered Sexual Assault Forensic Evidence Collection Kits

Before the Joint Standing Committee on Judiciary

Good afternoon, Senator Carney, Representative Kuhn, and fellow members of the Judiciary Committee. I am Representative Ellie Sato, and I represent House District 109, which includes part of Gorham. I'm proud to be here to present **LD 412, An Act to Prohibit the Sale or Provision of Self-administered Sexual Assault Forensic Evidence Collection Kits**.

This bill would prohibit the sale of self-administered sexual assault forensic evidence (SAFE) kits, as a violation of the Maine Unfair Trade Practices Act. This bill does not apply to the admissibility of a self-administered sexual assault forensic evidence collection kit as evidence in a court proceeding.

First and foremost, this bill is a consumer protection issue. These products claim to be sexual assault forensic evidence kits that are available for purchase privately, and are marketed to allow survivors to administer the test on themselves. These private kits have been marketed directly to sororities and college campuses as a viable alternative to state forensic examination kits, which they are not. They are advertised as "evidence kits" that would increase better access to justice for survivors, yet they are unlikely to be admissible in criminal proceedings, and only further isolate survivors from critical care.

The consequences of a survivor relying on a private kit as opposed to a state kit are likely to be harmful. When a survivor goes to a medical facility to get care following an assault, evidence collection is only one aspect of the services offered. They can also be connected to vitally important advocacy services, legal assistance, and medical care, including time-sensitive prophylactic measures against STIs and pregnancy. Additionally, survivors can also experience nonfatal strangulation as part of a sexual assault, and receiving critical medical assistance is necessary in order to prevent further harmful consequences that would otherwise occur if gone untreated. In using a self-administered kit, they would miss out on accessing this care.

Beyond all of the issues I've listed, state kits are free for survivors because they are covered under the Victim's Compensation Act, meaning that survivors can access state kits without paying a cent. Therefore, not only are private kits unable to provide comprehensive access to justice and necessary medical care, but they also cost money for a service that would otherwise be free for the survivor.

Self-administered SAFE kits don't provide the advantages advertised nor needed, yet cost everyday Mainers, particularly young people, money. It is critical to protect consumers from these products, and ensure that we are upholding public safety. Thank you for your consideration, and I would be happy to answer any questions.

District 109: Gorham (part)